

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BRYAN CARY,

Plaintiff,

v.

TIMOTHY MOX, ET AL.,

Defendants.

Case No. 17-12862

SENIOR U.S. DISTRICT JUDGE
ARTHUR J. TARNOV

U.S. MAGISTRATE JUDGE
MONA K. MAJZOUN

**ORDER ADOPTING REPORT AND RECOMMENDATION [59]; DENYING PLAINTIFF'S
MOTIONS FOR TRO [17, 25]; DENYING PLAINTIFF'S MOTIONS FOR JOINDER [18,
22]; GRANTING DEFENDANTS' MOTION TO DISMISS AND/OR FOR SUMMARY
JUDGMENT [28]; AND DISMISSING DEFENDANT DEPUTY DIRECTOR OF MDOC**

On August 22, 2017, Plaintiff Bryan Cary filed this prisoner civil rights action pursuant to 42 U.S.C. § 1983 against Defendants Corrections Officer Timothy Mox, Special Activities Coordinator David Leach, Director of the Michigan Department of Corrections ("MDOC") Heidi Washington, and the Deputy Director of MDOC. On August 14, 2018, the Magistrate Judge issued a Report and Recommendation ("R&R") [59] recommending that the Court: deny Plaintiff's Motions for TRO and Preliminary Injunction [17, 25] and for Joinder of Parties and Claims [18, 22]; grant Defendants Washington and Leach's Motion to Dismiss and/or for Summary Judgment [28] based on failure to exhaust administrative remedies; and dismiss Defendant Deputy Director of MDOC for lack of proper service. Neither party has filed an objection to the R&R.

The Court having reviewed the record, the R&R [59] is hereby **ADOPTED** and entered as the findings and conclusions of the Court.

Accordingly,

IT IS ORDERED that Plaintiff's Motion for TRO and Preliminary Injunction [17] is **DENIED**.

IT IS FURTHER ORDERED that Plaintiff's Motion for Joinder of Parties and Claims [18] is **DENIED**.

IT IS FURTHER ORDERED that Plaintiff's Motion for Joinder of Parties and Claims [22] is **DENIED**.

IT IS FURTHER ORDERED that Plaintiff's Motion for TRO and Preliminary Injunction [25] is **DENIED**.

IT IS FURTHER ORDERED that Defendants Washington and Leach's Motion to Dismiss and/or for Summary Judgment [28] is **GRANTED**.

IT IS FURTHER ORDERED that Defendants Washington, Leach, and Deputy Director of MDOC are **DISMISSED**.

SO ORDERED.

Dated: September 14, 2018

s/Arthur J. Tarnow
Arthur J. Tarnow
Senior United States District Judge